

APPEAL NO. 041504  
FILED AUGUST 12, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 28, 2004. The hearing officer determined that although the appellant (claimant) sustained an occupational disease (repetitive trauma) injury, the injury is not compensable because the claimant failed to give timely notice to her employer of the injury and did not have good cause for failing to do so. The hearing officer also determined that because the claimant did not have a compensable injury, the claimant did not have disability, and that the date of injury (DOI) as defined in Section 408.007 is \_\_\_\_\_. The determination that the claimant sustained a repetitive trauma injury was not appealed and has become final. Section 410.169.

The claimant appeals, generally contending that she was not aware what was wrong with her and that the "dates are not the issue." The file does not contain a response from the respondent (self-insured).

DECISION

Affirmed.

The claimant was a data entry clerk and testified regarding her duties and how she was injured. Contrary to the claimant's request for review, the dates of the injury and the date or dates that the claimant may have reported a work-related injury to a supervisor are very much the crux of the case. See Section 409.001 for the requirement of reporting the injury within 30 days of the DOI. Section 408.007 defines the DOI for an occupational disease (which includes a repetitive trauma) as being the date on which the employee knew or should have known the disease may be related to the employment. As the hearing officer notes in his Background Information there was conflicting or inconsistent evidence regarding when the claimant knew or should have known her injury may be related to the employment and when the claimant may have reported the injury to a supervisor. The hearing officer determined the DOI to be \_\_\_\_\_, based on the claimant's letter that stated that date was when she "was told my injury was probably work related" by her doctor. Documentary evidence supports the determination that the injury was first reported to the employer on April 18, 2003.

The hearing officer's determination that the date of injury was \_\_\_\_\_, and that the claimant reported the injury to her employer on April 18, 2003, are supported by the evidence. The hearing officer found against the claimant on these disputed issues and those determinations are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**MK  
(ADDRESS)  
(CITY) TEXAS (ZIP CODE).**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Margaret L. Turner  
Appeals Judge